

FORM SUMMARY

Name of Form: Declaration to Act as Personal Representative (Informal and Formal Administration)

Form Number: PR-1802 (previously PR-1464)

Statutory Reference: None

Benchbook Reference: None

Purpose of Form: This form provides a means for a person nominated as personal representative in a will to decline to serve in that capacity.

Who Completes It: Person seeking to decline to act as personal representative.

Distribution of Form: Original to court file.

Accompanying Forms: None

New Form/Modification: Modified; last update 04/97.

Modifications: Added phone number. Added check boxes to title to indicate informal or formal administration.

Comments: This form can be used in both formal and informal probate matters.

The filing of this form by the person declining to serve will function as notice to any interested parties that the person declining will not be responsible for carrying out the duties of personal representative. This declination, if truthful, would act to protect the person declining from legal responsibility for the estate and clear the way for the appointment of an alternate personal representative.

If a person has already undertaken the duties of a personal representative, this form cannot be used. Case law requires that if the person has already undertaken the duties (even if not formally appointed), the person must request the court to relieve that person of the duties of personal representative. It may be important for the court to know precisely what activities the person has engaged in as the *de facto* personal representative so that the estate can be protected.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.